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REMARKS

This Amendment is made in response to the Official Action mailed November 29, 2002. A request for a three-month extension of time accompanies this Amendment. Claim 17 has been cancelled. Claims 16, 19, 20, 22, 26 and 27 have been amended. Accordingly, claims 16 and 18-30 remain pending in this application. In addition, the specification has been amended in order to correct inadvertent typographical errors made therein. No new matter has been added by the amendments to the claims or specification. Support for the amendments is found in the claims and specification as originally filed. An Abstract of the disclosure on a separate page is enclosed. In addition, new drawings are submitted in response to the Examiner's request for such. Reconsideration and withdrawal of the objections to and rejections of this application are respectfully requested in view of the above amendments, and further, in view of the following remarks.

Preliminarily, Applicant submits that the amendments to claims 26 and 27 address the objections to claims 26-28, and place these claims into proper condition for allowance. Reconsideration and withdrawal of the objections to the claims are requested.

Claim 17 has been cancelled, therefore rendering its rejection under 35 U.S.C. §112, first paragraph, moot. Withdrawal of the rejection is requested.

Claims 16-30 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for various reasons. Reconsideration and withdrawal of the rejection are respectfully requested.

In particular, the amendment of claim 16 clarifies that the claimed double walled container has an internal cavity containing a medicament content and being bounded at least in part by the inner wall, a label applied to a part of the outer surface of the outer wall of which the inner surface of the part is not in contact with the medicament content. Support for this amendment is found in Fig. 2, wherein the cavity 27 is enclosed in part by the inner wall 23 and base wall 22.

Further, the Examiner's rejections have been addressed by appropriate amendments. In amended claim 16, "body" is replaced with "container" having sufficient antecedent basis. In claims 19 and 20 the alleged indefiniteness has been amended to specifically refer to the respective parts. Claims 26 and 27 have also been amended to specifically correct the minor inadvertent errors. The amendment to claim 26 perfects the claim dependency of claim 28.

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Claims 16, 20, 30 have been rejected under 35 U.S.C. § 102(b), as anticipated by U.S. Patent 5,516,006, issued May 14, 1996, to Meshberg ("Meshberg"). Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 16 has been amended in order to clarify that the claimed double walled container has a base wall and side walls extending upwardly from the base wall toward an upper mouth opening of the container, and the side walls are in the form of a double wall comprising a spaced apart inner wall and outer wall having a space between them, made of a plastics material, the container having an internal cavity containing a medicament content, and is bounded at least in part by the inner wall, a label applied to a part of the outer surface of the outer wall of which the inner surface of the part is not in contact with the medicament content, and the base wall is a continuous base wall linking the inner and outer walls and closing the space between them. Since Meshberg neither teaches nor suggests each and every element of the claimed invention, amended claim 16 is novel over Meshberg.

Claims 22-29 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Meshberg in view of WO 98/14189, published April 9, 1998, to Henkel ("Henkel"). The Examiner alleges that it is obvious to use the medicament of Henkel in the container of Meshberg in order to apply the treatment of bacterial infection in the nasopharynx directly to the nasal passages as suggested by Henkel. Favorable reconsideration of the rejection is requested.

Claims 22-29 are dependent upon claim 16, which as amended is novel and nonobvious over Meshberg. Meshberg discloses a nasal spray container that is partly double walled (16,31), but there is no reference to the problem of seepage through the container wall as addressed by the present invention. Also, as seen in Fig. 2 of Meshberg the wall is doubled only over a small part of the perimeter of the container with no disclosure or suggestion as to where a label might (if at all) be applied on this perimeter, i.e., on the double-walled part or single-walled part. The Examiner's interpretation of Meshberg is pure speculation and hindsight. There is no disclosure in Meshberg of a label applied to the container and the phrase "conventional decorative and protective casing" at column 4, lines 34-35, appears to refer to the shape of the aesthetic casing rather than to any label applied to the casing.

Therefore, the combination of Meshberg and Henkel can not obviate claim 16 or the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 16 and 18-21 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 2,494,456, issued January 10, 1950, to Still ("Still"). The Examiner alleges that while Still does not disclose an inner wall (10) and outer wall (11) made of a plastics material, or a label located on the outer surface of the outer

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wall, it would have been obvious to make the glass vessel of Still out of plastic material, and at the date of the present invention to apply a label on the outer surface of the container. Reconsideration and withdrawal of the rejection are respectfully solicited.

Claims 18-21 are dependent upon amended claim 16. The container of Still provides two separated compartments (21,22) respectively intended to contain a medicinal substance or component thereof, so as to allow mixing of these substances within the container (see, column 1, lines 5-52). In the embodiment illustrated and described in Still the outer compartment (22) inevitably contains a substance, which may be solid or liquid (see, column 2, lines 29-32). Therefore, Still does not contemplate or suggest the present invention of amended claim 16. With the container of Still if a label is applied to the outer surface of the outer compartment there remains the risk of seepage of, for example, label adhesive inwardly through the wall to contaminate content in the outer compartment, or of the content in the outer compartment outwards to affect the label. This problem is solved in the present invention by the claimed space between the walls which provides a barrier to such seepage since there is no medicament content in the space.

Consequently, Applicant submits that Still teaches away from the present invention, and can not, therefore, make it obvious. Favorable reconsideration and withdrawal of the rejection are requested.

Claims 22-29 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Still in view of Henkel. The Examiner alleges that although Still does not disclose a medicament as in claims 22-29, Henkel discloses such a medicament content, and its storage as a kit in a single container with two parts separated by a barrier. Reconsideration and withdrawal of the rejection are respectfully requested.

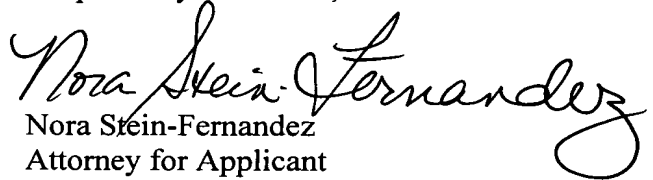
The Examiner's comments appear to be a reference to Henkel at page 8, lines 10-17, where the medicament is described as a two-part formulation comprising a first part which is Mupirocin in polyethylene glycol and a second part which is an aqueous solution, which parts are mixed for use. Therefore, Henkel adds nothing to Still beyond the disclosure of Still itself, i.e., the two parts of the formulation disclosed in Henkel could be respectively the content of the inner and outer compartments of Still. Applicant submits, this does not disclose or suggest the present claimed empty space between the walls in amended claim 16. At the very best, the combination of Still and Henkel merely suggests possible contents for the two compartments of Still. Therefore, Still read in combination with Henkel, neither teaches nor suggests the invention claimed in amended claim 16 and its dependent family. Withdrawal of the rejection is requested.

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Based upon the foregoing comments, Applicant urges that the claims are in condition for allowance, and are neither anticipated nor made obvious by any fair combination of Meshberg, Still or Henkel.

In view of the foregoing, favorable reconsideration of claims 16, 19, 20, 22, 26 and 27, and allowance of this application with claims 16, and 18-30 are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Nora Stein-Fernandez". The signature is fluid and cursive, with the first name "Nora" and last name "Fernandez" being more prominent than the middle name "Stein".

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